



# City of Carmel

## MINUTES

### Carmel Board of Zoning Appeals

#### Regular Meeting

Monday, July 27, 2009

6:00 PM

Council Chambers

**Present:** James R. Hawkins, President  
Kent Broach  
Madeleine Torres  
Rick Ripma, Alternate  
Connie Tingley, Recording Secretary

**Staff members in attendance:** Christine Barton-Holmes, Planning Administrator

**Legal Counsel:** John Molitor

#### Previous Minutes

On a motion made by Kent Broach and seconded by James Hawkins

**The Minutes for the meeting dated June 22, 2009 were approved as circulated.**

**MOTION CARRIED UNANIMOUSLY**

#### Department Report: Christine Barton-Holmes

- Items 4-5h, Rangeline Commercial, Docket Nos. 09040005 V and 09040006 V, tabled to August 24, 2009
- Item 2h, Meridian & Main, Docket No. 09050012 V, tabled to August 24, 2009

#### Legal Report: John Molitor

- American Towers Inc. pending case
  - Exchanged some preliminary motions
  - 56 neighbors filed motion to intervene; filed by Robert Ware
  - No court issue for Writ of Certiorari
- Item 1i, Johnson Drive Appeal, Docket No. 09020014, still pending with Plan Commission
  - Recommended not remove from table
  - Let Plan Commission take its course

#### Public Hearing:

##### 1h. Quantum Graphix

The applicant seeks the following use variance approval:

**Docket No. 09060006 UV      Appendix A      Office uses in R1 District**

The site is located at 10302 North College Avenue and is zoned R1/Residential within the Homeplace Overlay.  
Filed by E. Davis Coots for Quantum Graphix.

**Present for the Petitioner:**

**Dave Coots**, attorney, Coots Henke & Wheeler, 255 E. Carmel Drive, Carmel, IN

**Kevin Dowd**, principal in company and **Jane Berry**, local operations

- Utilize residence at College & 103<sup>rd</sup> Streets for business purposes
  - Single family residence in Northridge Subdivision
  - Photo shown; brick ranch home
    - No exterior changes during operation as Quantum Graphix
- Business sells computer designs of various printing and brochure materials
- Three or four computer design workers
- Hours of operation: 8 am-6 pm
- Not occupied as home
- Within Home Place Overlay Zone
- Transitional area with commercial and residential
- Resembles home based business use, but not occupied as residence
- Amiable to restricting use to duration of Quantum Graphix's use

**Public Comments:**

**Larry Wesner**, 525 E. 102<sup>nd</sup> Street

- Concerned with business encroachment into neighborhood
- Quantum has occupied building 3 or 4 years
  - Low key occupants
  - No signage or lighting
- As long as no changes are made; he favored variance
- Keep residential appearance

**Public Hearing closed**

**Department Report:** Christine Barton-Holmes

- Used number of years, including parking lot
- Similar to home-based business
  - No one occupies home
  - More employees
- Low impact use
- Adjacent to commercial corridor and intersection
- Corner of busy roads

**Department recommended positive consideration with suggested Conditions:**

- No exterior changes; maintained as house
- No signage

**Discussion**

- Commitments:
  - No signage
  - Landscape perimeter
  - No exterior changes
  - Limit number of employees
    - Five maximum

- Limit term of variance
  - Department and Board comfortable with five years
- Home based business
  - One employee outside family members
- Term limit necessary as variance runs with land; not applicant

**Motion:**

On a motion made by James Hawkins and seconded by Madeleine Torres:

**Docket No. 09060006 UV, Quantum Graphix, office uses in R1 District; be approved with Commitments of no signage, no exterior changes, landscape parking area, limit of five employees, and limit of five years.**

**MOTION CARRIED UNANIMOUSLY**

**2-3h. Meridian & Main**

The applicant seeks the following development standards variance approvals and use variance approval:

**Docket No. 09050012 V 23B.08.03.A.1 Building height under 26'/one occupiable floor**

**Docket No. 09050013 UV 23B.05.02.A 100% GFA for retail; 15% permitted**

The site is located at 1440 Main Street West and is zoned B6 within the US 31 Overlay.

Filed by Joseph Scimia of Baker & Daniels and James Browning of Browning Investments for Meridian 131, LLC.

**Present for the Petitioner:**

**Jamie Browning, 1473 Prestwick Lane, Carmel**

- Tabled Docket No. 09050012
- Site plan shown with modification of original development plans for rezoned area
- Intended multi-use
  - Mixed use development including office and retail uses
  - Retail uses in larger buildings
    - Configuration of parcel not large enough for retail buildings
      - Buildings 30,000 square feet
- Signed commitment with City Council
  - Negotiated with Councilor Sharp
    - Not opposed to retail uses on the site
    - Limited to no more than 15% Gross Floor Area (GFA) of the entire development
- Variance to document retail uses at this site; to adhere to City Council commitments
- Parcel includes Meridian Heights Subdivision properties; 45 home sites being demolished
- Rendering of US 31 interchange to be constructed 2012 to 2015
  - Including roundabout at Pennsylvania and 131<sup>st</sup> Streets
  - To accommodate larger traffic flow
  - Pennsylvania extended north through this development to St. Vincent Hospital complex
- Retail use would be appropriate at this site
- Staff Report negative toward 2 story buildings not occupiable on 2<sup>nd</sup> floor
  - At some time INDOT will take some part of parcel across the street
  - Need to develop area with more density including some retail uses
- Use Variance important to begin planning and development
  - Hiring architects

- Significant investment
  - Proceed without uncertainty
- Not seeking DP or ADLS approval
- Use Variance consistent with original mixed-use site
- Cannot construct building large enough to accommodate meaningful retail

**Public Hearing closed**

**Department Report: Christine Barton-Holmes**

- Three variances originally
  - Floor plates under 15,000 square feet withdrawn
  - Building height tabled
- Initially did not want to see smaller free-standing or smaller strip retail uses at this site
- US 31 Corridor and this project intended to be multi-level, multi-use office projects
- Negativity based on floor plate and height variance
- Recognize need for retail in area surrounding office uses
- Concerned with form of proposed retail
- US 31 Overlay restricts 15% retail to individual buildings
  - Retail for development concentrated in these buildings
  - 15% of total development
- US 31 Overlay modified in reaction to existing strip centers
- More comfortable with development since withdrawal of floor plate variance and tabling of building height variance
  - More comfortable with possibility of buildings being wholly retail to serve incoming project and surrounding areas

**Department recommended either positive consideration Docket No. 09050013 UV or tabled to August 24 meeting pending discussion**

**Discussion:**

- Confusion regarding floor plate variance
  - Legal description for parcel across street
  - INDOT will be changing site
  - Variance for wrong parcel; therefore withdrawn
- Two-story issue
  - Look like two-story, but second floor unoccupied
  - Rendering shown
  - Second floor business hard to lease
  - Two occupiable floors in Overlay; preferred by Department
  - If needed, variance would come through with ADLS and DP plans
- Retail would be 25,000 to 30,000 square feet; less than 15% of entire site
  - Entire site approximately 200,000 square feet
  - Site would not accommodate over 30,000 square feet
  - Banks qualify as office building
  - 15% of 30,000 square foot building would not be meaningful retail
- Use Variance formalizes commitment to City Council

**Motion:** On a motion made by Kent Broach and seconded by Madeleine Torres:

**Docket No. 09050013 UV, Meridian & Main, 100% GFA for retail; 15% permitted, be approved.**

**MOTION CARRIED UNANIMOUSLY**

**4-5h. Rangeline Commercial TABLED**

The applicant seeks the following development standards variance approvals for building restoration:

**Docket 09040005 V Section 23D.03.A.1.a.ii Lot width reduced to 45' for all uses**

**Docket 09040006 V Section 23D.03.A.1.a.iii Lot coverage increased to 60% residential/80% commercial**

The three sites are located at 411-431 North Rangeline Road

Filed by David Barker of Barker Law for I.E. Investments, LLC.

**I. Old Business**

**ii. ~~646 Johnson Drive Appeal~~ TABLED**

The applicant seeks the following permit issuance appeal:

**~~Docket No. 09020014 Appeal Appeal of Permit No. 09010003~~ Accessory Structure Size**

~~The site is located at 646 Johnson Drive and is zoned R1/Single-family residential~~

~~Filed by: Howard & Holly Green; John & Beryl Colosimo; James & Laura Dunn; Judy Wagner; and Michael & Susan Shaw, neighbors.~~

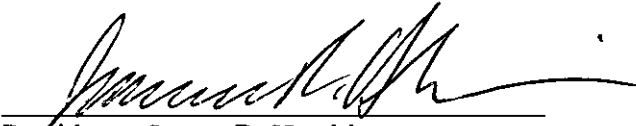
**Motion:** On a motion made by Kent Broach and seconded by James Hawkins

**The Meeting be adjourned.**

**MOTION CARRIED UNANIMOUSLY**

The meeting adjourned at 6:40 PM.

Approved this 24th day of August 2009.

  
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President - James R. Hawkins

  
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Secretary - Connie Tingley